

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HAKAN YUCESOIY, et al.,

No. C15-0262 EMC

Plaintiffs,

**ORAL ARGUMENT PREPARATION
ORDER**

v.

UBER TECHNOLOGIES, INC., et al.,

Defendants.

On August 6, 2015, this Court will hear oral argument on Uber's pending motion to compel arbitration of Plaintiffs' claims in this matter. Docket No. 62. In its motion and supporting papers, Uber contends that Plaintiff Hakan Yucesoy assented to be bound to an agreement containing the arbitration clause at issue. Yucesoy claims in declarations and supporting documents that he did not so assent, was out of the United States at the time that Uber claims he agreed to be bound, and that another individual apparently drove "under [his] account without authorization." *See, e.g.*, Docket No. 88. Thus, it appears that there may be a material factual dispute regarding contract formation.

At the hearing on August 6, 2015, the parties are directed to be prepared to discuss their respective positions as to whether there is a material factual dispute regarding contract formation, and, if so,

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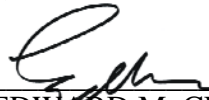
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1 what the appropriate course of action should be. *See generally* 9 U.S.C. § 4 (“If the making of the
2 arbitration agreement . . . be in issue, the court shall proceed summarily to the trial thereof.”);
3 *Howard v. Ferrellgas Partners, L.P.*, 748 F.3d 975 (10th Cir. 2014); *Nebraska Machinery Co. v.*
4 *Cargotec Solutions, LLC*, 762 F.3d 737 (8th Cir. 2014).

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6 IT IS SO ORDERED.

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8 Dated: July 29, 2015

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11 EDWARD M. CHEN
12 United States District Judge
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